



CITY OF MEMPHIS

COUNCIL AGENDA

June 17, 2008

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (June 3, 2008)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

SPECIAL PRESENTATION

CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING

1. **ORDINANCE** to amend the Charter of the City of Memphis, the same being Chapter 11 of the Acts of 1879, as amended, to reinstate Article 27, Section 190, Subsection B thereof, pursuant to the provisions of Article 11 Section 9 of the constitution of the State of Tennessee (Home Rule Amendment) so as to reinstate the Residency Requirement for persons employed solely by the City and to submit the proposed Ordinance to qualified voters of the City of Memphis at the first general State Election to be held November 4, 2008, up for F I R S T reading.

Flinn

Ordinance No. 5265

ACTION REQUESTED: Adopt the ordinance on First reading

2. **ORDINANCE** to amend the Charter of the City of Memphis, same being Chapter 11 of the Acts of 1879 as amended, pursuant to the provisions of Article 11 Section 9 of the constitution of the State of Tennessee Home Rule Amendments so as to provide for disclosure of certain information by those seeking Elected Office and to submit the proposed Ordinance to the qualified voters of the City of Memphis at the first general State Election to be held on November 4, 2008, up for F I R S T reading.

Flinn

Ordinance No. 5266

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING (None)

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

3. RESOLUTION approving final plat of CORDOVA GROVE PLANNED DEVELOPMENT, PHASE 3.

Case No. PD 03-303

Developer. Resolution approves the final plat located on the east side of Rogers Road, north of Macon Road. Cost of the required improvements to be borne by the

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

4. RESOLUTION approving final plat of GOODWILL ROAD DEDICATION.

Case No. SAC 98-060

Resolution approves the final plat located north of Shelby Drive on Goodwill Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION accepting LAMAR CROSSING PD, PH. 1 AREA B, and authorizing release of bond.

Case No. PD 06-313
(Contract No. CR-5075)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on Lamar Ave. east of Dunn Ave. The standard improvement contract was approved on May 18, 2007. Resolution also authorizes the release of the cashier's check in the amount of \$31,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION approving final plat of UPTOWN REDEVELOPMENT S/D 18.
Case No. S 05-078

Resolution approves the final plat located on the northside of Looney Ave., east of Sixth Street. Cost of the required improvements to be borne by the Developer. City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION approving engineering plans of WALNUT GROVE/HALL ROAD PLANNED DEVELOPMENT, AMENDED, PHASE 4 SEWER EXTENSION.
Case No. PD 01-305cc
Contract No. CR-5110

Resolution approves the engineering plans located at the southwest corner of Houston Levee Road and Hall Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard sewer extension contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD

8. **NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

A. Case No. PD 08-311 – SKIFF MOUNTAIN PLANNED DEVELOPMENT

Located on the west side of N. Fourth Street; +/-74 feet north of Jefferson Avenue, containing 0.20 acre (8,712 sq. ft.) in the one-story building in the Central Business (CBD) District

Applicant: Skiff Mountain Partners LLC
Hugh Fraser – Representative

Request: Planned development to re-use an existing building for a medical device manufacturing establishment

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: July 1, 2008



CITY OF MEMPHIS

COUNCIL AGENDA

June 17, 2008

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

MLGW FISCAL CONSENT

9. RESOLUTION awarding Contract No. 11281, Maintaining MLGW Archival Documents, to Vital Records Control in the funded amount of \$28,269.00.
10. RESOLUTION approving the selection of NEPC, LLC, as investment management consultant for benefit of the MLGW Retirement and Pension Fund, in the amount of \$249,000.00 plus travel, under Contract No. 11295.
11. RESOLUTION approving Change No. 6 to Contract No. 10912, Carpet Cleaning and Maintenance, with Kenny Floor Covering, Inc. in the funded amount of \$10,494.54. (This extends the current contract for a 90-day period, May 29, 2008 to August 29, 2008.)
12. RESOLUTION approving Change No. 6 to Contract No. 11208, Water Production Well, with Layne-Central in the funded amount not to exceed \$79,100.00. (This covers surface casing for the three wells remaining on this contract, and covers additional strainers, blank strainers and concrete plugs.)
13. RESOLUTION awarding contract for pneumatic tamping rammers to Consolidated Pipe & Supply Company in the amount of \$26,280.00.
14. RESOLUTION awarding contract for gas pipe, fittings and valves to:

Supply Line of Memphis..... \$24,555.76
Cameron c/o Ed Young Sales..... 12,738.00
Total..... \$37,293.76
15. RESOLUTION canceling Purchase Order No. 128388 with American Lighting & Supply Company, Inc. for lamps, and awarding contract to Graybar Electric Company, Inc. in the amount of \$393,883.28.

16. RESOLUTION awarding contract for one cab and chassis to Alexander Ford, Lincoln Mercury, Inc. in the amount of \$16,856.00.
17. RESOLUTION awarding contract for cabs and chassis to Crossroads Ford in the amount of \$240,950.00.
18. RESOLUTION approving the sum of \$37,500.00 to support the Memphis Youth Leadership Program, an eight-week summer program sponsored by the Workforce Development Division of the Memphis Regional Chamber and the Memphis Challenge, a local not-for-profit organization.
19. RESOLUTION giving contract authority to MLGW's General Counsel for a claims settlement.



CITY OF MEMPHIS

COUNCIL AGENDA

June 17, 2008

Public Session, Tuesday, 3:30p.m.

Council Chambers, First Floor, City Hall

125 N. Main Street

Memphis, TN 38103-2017

REGULAR AGENDA

20.
Flinn

APPOINTMENTS

Memphis and Shelby County Groundwater Control Board

Appointment

Scott Morgan

Memphis Public Library and Information Center Board of Trustees

Appointments

Dorothy L. Boggan
Margaret McLean
Ruby J. Payne
Hallee O. Robinson

GENERAL ORDINANCE– THIRD AND FINAL READING

21. **ORDINANCE** to amend Chapter 25, Code of Ordinances, City of Memphis, so as to increase Pension Benefits allowable under Section 25-95 and Section 25-195, up for T H I R D and F I N A L reading.

Flinn

Ordinance No. 5264

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

22. RESOLUTION transferring \$90,000.00 from City Council to the City Attorney to cover Charter Commission Legal Fees.

Flinn

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES

23. RESOLUTION amending the monthly premiums costs of the benefits plan for active and retired participants as well as reduce the OPEB (Other Post Retirement Benefits) obligation.

Halbert/Flinn

ACTION REQUESTED: Adopt the resolution

LAW DIVISION (None)

MLGW DIVISION

24. RESOLUTION approving purchase of Medicare Coverage for eligible employees of MLGW, whose date of hire is prior to April 1, 1986, in an estimated amount of \$2,500,000.00 to \$7,500,000.00 one time, depending on participation, and an estimated average of \$300,000.00 per year going forward, for approximately 10 years. The benefit of MLGW is that the medical plan is expected to save from \$25,000,000.00 to \$30,000,000.00 or greater when the affected participants utilize the purchased Medicare benefits upon retirement and attainment of age 65; and ultimately reduces MLGW's Other Post Employment Benefit (OPEB) costs, contributes indirectly to MLGW's efforts toward viable human resource retention and the company's knowledge transfer strategy, while the employee enjoys a wider umbrella of medical coverage upon retirement.

Ware

ACTION REQUESTED: Adopt the resolution

PARK SERVICES (None)

DIVISION OF POLICE SERVICES

25. RESOLUTION approving persons employed with the City's Division of Police Services after the date of this Resolution, are hereby exempted from the residency provisions of the Memphis City Charter and are hereby allowed to reside within twenty (20) miles of the county line of Shelby County, Tennessee; and provided each non-resident so employed agrees to pay an annual fee of \$1,200.00 to be deducted by payroll on a monthly basis, for as long as each person resides outside of the City and for as long as each such person is so employed by the City.

Flinn

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES

26. RESOLUTION appropriating \$79,875.00 (50% of \$159,750 of contracts awarded) for Fiscal Year 2008 CIP project PS01018 Convention Center Main Hall Upgrades. This resolution funds the cleaning and diamond polishing of the 125,000 square foot main exhibit hall and also painting the interior perimeter. Resolution also reallocates the expense type from capital construction to other costs.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

27. RESOLUTION amending the Fiscal Year 2008 Capital Improvement Budget by appropriating \$3,200,000.00 funded by GO Bonds – General in Street Maintenance Building Relocation, project number PW01168 for the relocation of the Street Maintenance building.

Morrison

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE – THIRD AND FINAL READING (None)

DIVISION OF PLANNING & DEVELOPMENT

28. RESOLUTION approving a hotel waiver for Royal Inn & Suites located at 3685 American Way. (Held from 5/20)

Lowery

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION approving a hotel waiver for Holiday Inn located at 2240 Democrat Road.

Lowery

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION authorizing the application to the federal Foreign-Trade Zones Board for Foreign-Trade Subzone status for Black & Decker Corporation in Jackson, Tennessee. The City of Memphis is designated Grantee of Foreign-Trade Zone Number 77. Resolution further authorizes the Mayor of the City of Memphis to execute all documents necessary for the submission of the subzone application.

Collins

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION approving a special use permit located on the north side of Independence Rd; ± 250 ft. east of Woodstock-Cuba Road, containing 10,000 sq. ft. leased parcel in 11.97-acre tract in the Floodway (FW) and Agricultural (AG) District.

Lowery

Case No. SUP 08-207cc

Applicant: Global Tower, LLC
Gloria Allmond, Baran Telecom Inc. – Representative

Request: 195-foot CMCS monopole cell tower

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

32. RESOLUTION approving a special use permit located on the south side of Holmes Road & east side of Airways Blvd.; approximately 360 feet east and 855 feet south of the intersection of Holmes Road and Airways Road, containing 77.76 acres in the Light Industrial (I-L) District.

Lowery

Case No. SUP 08-215

Applicant: Hillwood Investment Properties, dba
LMO Investments, LLC
Homer Branan – Representative

Request: Office & Distribution Service Center

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

PUBLIC HEARINGS

33. RESOLUTION approving a special use permit located on the northeast side of Lamar Avenue (U.S. 78) at Dunn Avenue, containing 2.0 acres in the Highway Commercial (C-H) District. (Held from 5/20)

Lowery

Case No. SUP 08-208

Applicant: Jatin Kumar
Architecture Interiors-Planning – Representative

Request: Special Use Permit to allow a new motel building

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

40 NOTICES MAILED ON MAY 9, 2008

34. RESOLUTION approving an appeal located on the southeast corner of Walnut Grove and Brierview Street and currently governed by PD 82-016.

June 17, 2007

Page 10

Applicant: Baptist Memorial Hospital, Inc.

Appellants: Nicholas and Pattie Crafton

Request: Overturn the action of the Land Use Control Board on 03/13/08 which approved the request of Baptist Memorial Hospital to modify the west building setback of the Baptist Memorial Hospital East Planned Development from 165 feet to 135 feet for an expansion of the emergency room and relocate an existing berm to within the 50-foot wide required landscaping area with a fence to be located on top of the berm

LUCB and OPD recommendation: Approval of the requested modifications by Baptist Memorial Hospital

ACTION REQUESTED: Take whatever action Council deems advisable

155 NOTICES MAILED ON JUNE 6, 2008

35. RESOLUTION approving a street/alley closure extending north and south; between W. Carolina Avenue and Railroad Avenue, containing 10,800 square feet and 30' X 360' in the Bluffview Residential (R-B) District.

Lowery

Case No. SAC 07-603

Applicant: Newsom Enterprises, LLC
Homer Branan, Atty. – Representative

Request: Close & Vacate Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

70 NOTICES MAILED ON JUNE 6, 2008

36. RESOLUTION approving a use variance located on the north side of Crestview Road, 515 feet east of Bartlett Road intersection, containing 3.0 acres in the Single Residential Duplex (RS-8) District.

Family
Lowery

Case No. UV 08-01

Applicant: Mark C. Culver

Request: Use variation for a contractor's parking (trucks and trailers)

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

June 17, 2008

Page 11

GENERAL ITEM

37. RESOLUTION to transfer the hiring process of Police Officers to the Human Resources Division.

Halbert

ACTION REQUESTED: Adopt the resolution

PRESENTATIONS AND RECOGNITION OF VISITORS

38. RESOLUTION recognizing SFI of Tennessee, primary supplier of steel components for Mine Resistant Ambush Protected (MRAP) vehicles which are used in Iraq and Afghanistan to protect our fighting forces against IED's (Improvised Explosive Device) and roadside bombs.

Collins

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION commemorating the heroic actions of Mr. Tom Lee on May 8, 1925.

Ware

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 7 – Approved
8. Public Hearing set for July 1, 2008
9. Approved
10. Back to Committee on July 1, 2008
11. Through 15 – Approved
16. Dropped
17. Through 24 – Approved
25. Held to July 1, 2008
26. and 27 – Approved
28. Held to July 1, 2008
29. Dropped
30. Through 33 – Approved
34. Failed
35. Approved
36. Approved, as amended
37. Back to Committee on July 1, 2008
38. Held to July 1, 2008
39. Approved

ACTION TAKEN ON THE MINTUES OF JUNE 3, 2008

Approved